Eric P. Waeckerlin – *Admitted Pro Hac Vice* Kathleen Schroder – *Admitted Pro Hac Vice* Erin K. Murphy – Wyo. Bar No. 7-4691 Davis Graham & Stubbs LLP 1550 17th Street, Suite 500 Denver, Colorado 80202 Tel: 303.892.9400

Tel: 303.892.9400 Fax: 303.893.1379

Eric.Waeckerlin@dgslaw.com Katie.Schroder@dgslaw.com Erin.Murphy@dgslaw.com

Attorneys for Petitioners Western Energy Alliance and the Independent Petroleum Association of America

#### IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF WYOMING

WESTERN ENERGY ALLIANCE, and the INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA,	) ) )
Petitioners,	) Civil Case No. 2:16-cv-00280-SWS
v.	)
SALLY JEWELL, in her official capacity as Secretary of the United States Department of the Interior, and BUREAU OF LAND MANAGEMENT,	) ) ) )
Respondents.	)

#### MOTION FOR PRELIMINARY INJUNCTION

Petitioners Western Energy Alliance (Alliance)<sup>1</sup> and the Independent Petroleum Association of America (IPAA)<sup>2</sup> respectfully submit this motion requesting that the Court issue a

<sup>&</sup>lt;sup>1</sup> The declaration attached as Exhibit 1 to this motion describes the Alliance, its membership, and the Alliance's involvement in the rulemaking that is the subject of this litigation.

<sup>&</sup>lt;sup>2</sup> The declaration attached as Exhibit 2 to this motion describes IPAA, its membership, and the IPAA's involvement in the rulemaking that is the subject of this litigation.

preliminary injunction under 5 U.S.C. § 705, enjoining Respondent Bureau of Land Management (BLM) from applying BLM's recently-issued rule related to the reduction of venting and flaring from oil and gas production on federal and Indian lands, 81 Fed. Reg. 83,008 (Nov. 18, 2016), (the Rule) until the resolution of this litigation. Petitioners request that the Court enjoin the Rule before it takes effect on January 17, 2017.

As stated in the memorandum submitted in support of this motion, injunctive relief is necessary because the Rule represents unlawful and unconstitutional agency action. Additionally, the application of the Rule will cause the Petitioners and the Petitioners' members immediate and irreparable harm, and the balance of equities and public interest favor a preliminary injunction.

# **CERTIFICATE OF CONFERRAL**

The undersigned counsel for Petitioners certify that Petitioners' counsel conferred with United States Department of Justice Environment and Natural Resources Division (DOJ/ENR) counsel via telephone regarding a voluntary stay of the Rule until the resolution of this litigation. DOJ/ENR advised Petitioners that they will not agree to a voluntary stay.

Respectfully submitted this 23rd day of November, 2016.

# DAVIS GRAHAM & STUBBS LLP

By: /s/ Eric P. Waeckerlin

Eric P. Waeckerlin – *Admitted Pro Hac Vice* Kathleen Schroder – *Admitted Pro Hac Vice* Erin K. Murphy – Wyo. Bar No. 7-4691 1550 17th Street, Suite 500 Denver, Colorado 80202

Tel: 303.892.9400 Fax: 303.893.1379

Eric.Waeckerlin@dgslaw.com Katie.Schroder@dgslaw.com Erin.Murphy@dgslaw.com

Attorneys for Petitioners Western Energy Alliance and the Independent Petroleum Association of America

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of November, 2016, the foregoing **MOTION FOR A PRELIMINARY INJUNCTION** was filed electronically with the Court, using the CM/ECF system, which caused the foregoing to be served electronically upon the following:

C. Levi Martin
Assistant Deputy U.S. Attorney
United States Attorney's Office
J.C. O'Mahoney Federal Courthouse
2120 Capitol Avenue, Suite 4000
Cheyenne, WY 82001
Christopher.Martin@usdoj.gov
CaseView.ECF@usdoj.gov
breanne.m.ramirez@usdoj.gov
janee.woodson@usdoj.gov

Marissa Piropato Clare Boronow Assistant Deputy U.S. Attorneys United States Attorney's Office 555 4th Street, NW Washington, DC 20530 marissa.piropato@usdoj.gov clare.boronow@usdoj.gov efile\_nrs.enrd@usdoj.gov

Attorneys for The Honorable Sally Jewell U.S. Secretary of the Interior, and for the U.S. Bureau of Land Management

s/ Kathleen M. Daily
of Davis Graham & Stubbs LLP